

ASSEMBLY BILL

No. 205

Introduced by Assembly Member Pan

January 30, 2013

An act to amend Section 7514.2 of the Government Code, relating to public employees' retirement.

LEGISLATIVE COUNSEL'S DIGEST

AB 205, as introduced, Pan. Public employees' retirement: pension fund management.

The County Employees Retirement Law of 1937 authorizes counties to establish retirement systems, as specified, in order to provide pension benefits to county, city, and district employees. The California Constitution confers upon the retirement boards of public retirement systems plenary authority and fiduciary responsibility for the investment of moneys of those systems. Existing law authorizes the Board of Administration of the Public Employees' Retirement System and the Teachers' Retirement Board of the State Teachers' Retirement System, consistent with their fiduciary duties and the standard for prudent investment, to prioritize investment in an in-state infrastructure project over a comparable out-of-state infrastructure project.

This bill would extend the authorization to prioritize investment in an in-state infrastructure project, as described above, to the board of retirement or the board of investments of a retirement system established pursuant to the County Employees Retirement Law of 1937.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 7514.2 of the Government Code is
2 amended to read:
3 7514.2. (a) As used in this section, the following definitions
4 shall apply:
5 (1) “Board” means the Board of Administration of the Public
6 Employees’ Retirement System ~~and~~, the Teachers’ Retirement
7 Board, *or the board of retirement or board of investments of a*
8 *retirement system established pursuant to the County Employees*
9 *Retirement Law of 1937 (Chapter 3 (commencing with Section*
10 *31450) of Part 3 of Division 4 of Title 3).*
11 (2) “Infrastructure” includes, but is not limited to,
12 telecommunications, power, transportation, ports, petrochemical,
13 and utilities.
14 (b) A board may, subject to and consistent with its fiduciary
15 duties and the standard for prudent investment set forth in Section
16 20190 of this code, Section 22203 of the Education Code, and
17 Section 17 of Article XVI of the California Constitution, prioritize
18 investment in an in-state infrastructure project over a comparable
19 out-of-state project.
20 (c) The Legislature encourages each board to prioritize
21 investment in in-state infrastructure projects over alternative
22 out-of-state infrastructure projects if the investments in the in-state
23 projects are consistent with the board’s fiduciary duties to minimize
24 the risk of loss and to maximize the rate of return.
25 (d) Nothing in this section shall require a board to take action
26 that is inconsistent with its plenary authority and fiduciary
27 responsibilities, as described in Section 17 of Article XVI of the
28 California Constitution.

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